

REMARKS

Claims 1-6, 8-10, 12-38 are now pending in the present application, Claims 1 and 5 having been amended, and new Claim 38 having been added. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or ~~[[double brackets]]~~ and additions being underlined.

In response to the Office Action mailed March 1, 2007, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Matsuura et al. Does Not Anticipate Claims 1-4, 6, 8-10, 12-21, 31, 32, 34 and 37

Claims 1-4, 6, 8-10, 12-21, 31, 32, 34 and 37 stand rejected as anticipated by Matsuura et al. (United States Patent No. 6,920,949). Applicant respectfully disagrees. However, in order to expedite prosecution of the present Application, Applicants have amended Claim 1. Applicants expressly reserve the right to further prosecute the original version of Claims 2-4 and 34 through continuation practice.

Matsuura et al. discloses an all terrain vehicle having a seat assembly 50 and an air intake system feeding a carburetor 142. The intake system includes a duct body 412 feeding atmospheric air to the air filter assembly 144. Air from the air filter assembly 14 is fed to the carburetor 142. However, Matsuura et al. does not disclose an all terrain vehicle with a portion of the air intake system extending between two seating areas.

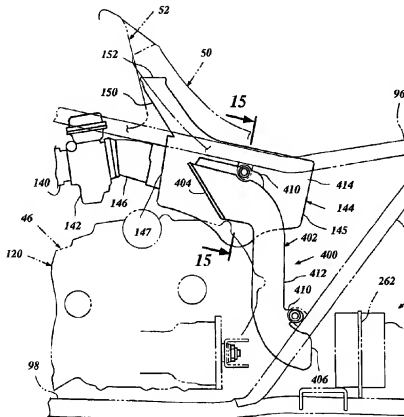
In contrast, Claim 1 now recites an “off-road vehicle comprising a frame, at least one seating arrangement including at least first and second seating areas, each of the first and second seating areas being configured to support a rider, a plurality of wheels arranged to support the frame, an internal combustion engine powering at least one of the wheels, and an air intake system arranged to supply air to the engine for combustion at a location above an uppermost surface of the wheels, the air intake system having an air inlet through which ambient air enters the intake system, the air inlet positioned higher than the uppermost surface of the wheels, and an air intake duct extending rearwardly to the engine, at least a first portion of the air intake duct being positioned lower than the uppermost surface of the wheels, and at least a second portion of the air intake duct being disposed between the first and second seating areas.”

Because Matsuura et al. clearly does not disclose the combination of all of the recitations of Claim 1, including, for example, a portion of an air intake system extending between two seating areas, Applicants submit that Claim 1 clearly and non-obviously defines over the Matsuura et al. reference. Additionally, Applicants submit that Claims 2-4 and 34 also define over the Matsuura et al. reference, not only because they depend from Claim 1, but also on their own merit.

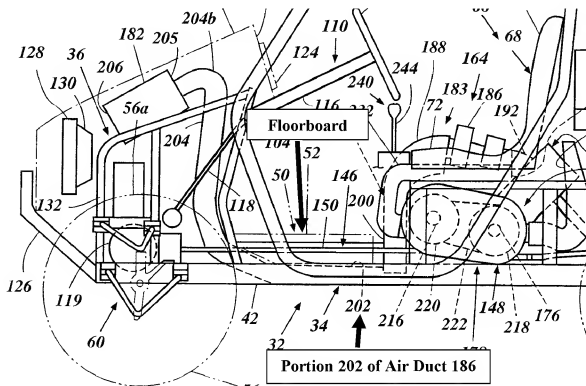
Claims 6, 8-10 and 12-21

The Matsuura et al. reference teaches an all terrain vehicle with an intake air system that is disposed largely under the seat 50 thereof. For example, as shown in Figure 13 thereof (partially reproduced below), the intake system includes a duct body 412 feeding atmospheric air to the air filter assembly 144. Air from the air filter assembly 14 is fed to the carburetor 142, which is below the fuel tank 52.

However, the Matsuura et al. reference does not teach an air intake system disposed beneath a floorboard.



In contrast, Claim 6 recites, among other recitations, at least a portion of an air delivery conduit “**extending below a floorboard.**” For example, as shown in the non-limiting embodiment of Fig. 1, partially reproduced and annotated below, part of the **intake air duct 186**, e.g., **portion 202**, extends beneath the **floor board 50**.



Thus, Applicants submit that Claim 6 clearly and non-obviously defines over the Matsuura et al. reference. Additionally, Applicants submit that Claims 8-10 and 12-21 also define over the Matsuura et al. reference, not only because they depend from Claim 6, but also on their own merit. Reconsideration and allowance of Claims 6, 8-10 and 12-21 are respectfully requested.

Claims 31, 32 and 37

With regard to the outstanding rejection of Claim 31, Applicants would like to point out that the Matsuura et al. reference, partially described above, does not disclose an all terrain vehicle with any portion of its engine behind the seat. This is clearly apparent in Figure 1, reproduced and annotated below.

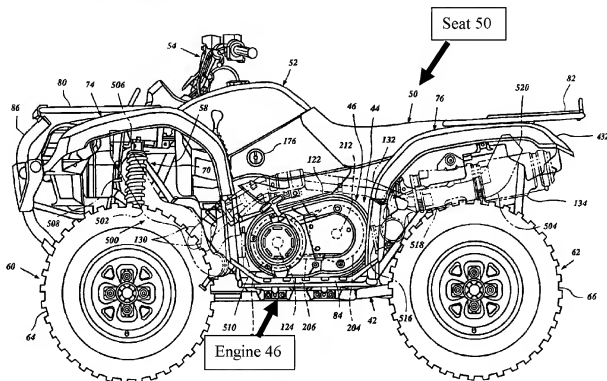


Figure 1

In contrast, Claim 31 recites, among other recitations, that at least a portion of the engine lies behind a seat. As shown above, no portion of the engine 46 in Matsuura is positioned behind the seat 50. More specifically, no portion of the engine 46 extends any further rearward than the most forward surface of the rear wheels 66, parts of which are positioned forward of the rear of the seat 50. Thus, Claim 31 is not anticipated by Matsuura.

Claims 32 and 37 also define over the Matsuura reference, not only because they depend from Claim 31, but also on their own merit.

Reconsideration and allowance of Claims 31, 32 and 37 are respectfully requested.

Allowable Subject Matter

Applicant appreciates the indication that Claim 5 contains allowable subject matter. Applicants have amended Claim 5 into independent form without any substantive change. Thus, Applicants submit that the present amendment to Claim 5 does not present an abandonment of any range of equivalents. Rather, all of the equivalents of the original recitations of Claim 5 are also equivalents of the present recitations of Claim 5.

Housekeeping

The Specification has been amended to add the Application Serial Numbers of the co-pending patent applications incorporated by reference in paragraph [0033] of the present Application and to be consistent with the Preliminary Amendment filed July 29, 2004. No new matter has been introduced. Applicants thus request entry of the present amendments to the Specification.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Appl. No. : **10/791,164**
Filed : **March 2, 2004**

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 3, 2007 By: /Michael Guiliana/
Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404

3892638_1
070307